

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-10826-RGS

RICHARD P. McCLURE,
MARTHA McCLURE,

Plaintiffs

v.

WILLIAM GALVIN, SECRETARY OF
STATE FOR THE COMMONWEALTH OF
MASSACHUSETTS, ELIZABETH L.
DELANEY, TOWN CLERK FOR THE
TOWN OF CHELMSFORD,
MASSACHUSETTS, and JANE DOE,
CHELMSFORD ELECTION POLL CLERK,

Defendants

DEFENDANT ELIZABETH L.
DELANEY'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

Now comes the defendant Elizabeth L. Delaney, and hereby opposes Plaintiffs' Motion for Preliminary Injunction.

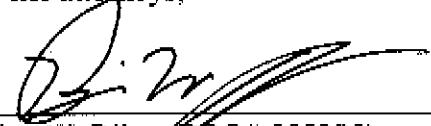
As grounds for this Opposition, the defendant states that the plaintiff, Richard P. McClure caused himself to be enrolled in the Democratic Party on March 2, 2004 by voting a Democratic primary ballot. Notwithstanding his subsequent filing to change his affiliation to "unenrolled," the Town Clerk is prohibited by law from issuing Mr. McClure an enrollment certificate stating that he was not enrolled in a political party within ninety days prior to the date for nomination papers to be filed with the Secretary of the Commonwealth. Moreover, Mr. McClure has not shown that Town election officials misled him as to his enrollment status, and Mr. McClure

cannot show that the Town Clerk should be estopped from relying on applicable state law in this regard.

As further grounds therefor, the defendant relies on the Memorandum of Law submitted herewith.

ELIZABETH L. DELANEY, TOWN CLERK
FOR THE TOWN OF CHELMSFORD

By her attorneys,



Brian W. Riley (BBO# 555385)
Lauren F. Goldberg (BBO# 631013)

Kopelman and Paige, P.C.

Town Counsel
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CERTIFICATE OF SERVICE
I hereby certify that a true copy of the
above document was served upon the
attorney of record for each other party
by mail hand on May 10, 2004
